

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
Plaintiff,) Cr. No. 18-CR-04166-JB
)
vs.)
)
CARLANDREW ERIACHO,)
)
Defendant.)

UNITED STATES' SENTENCING MEMORANDUM

The United States of America is in receipt of the Presentence Investigation Report (“PSR”), Doc. 19, and an Addendum to the PSR, Doc. 23, for defendant Carlandrew Eriacho (“Defendant”). The United States had no initial objections to the PSR, and concurs with the corrections and changes made in the Addendum.

I. PROCEDURAL HISTORY

On December 19, 2018, a federal grand jury indicted Defendant on one count involuntary manslaughter, in violation of 18 U.S.C. §§ 1153 and 1112. Doc. 2 (“Indictment”). On March 13, 2019, Defendant pled guilty to the Indictment. The PSR was prepared and filed on May 3, 2019, and an Addendum was filed on June 13, 2019. The United States is in agreement that Defendant has a final offense level of 19 and a criminal history category of III, for an advisory Guidelines range of 37 to 46 months. Doc. 19, ¶ 61. The United States respectfully requests a within-guidelines sentence of 37 months.

II. ARGUMENT

For the reasons stated herein, the United States would oppose a departure or variance from the Guideline imprisonment range. A within-Guidelines sentence is reasonable in this case considering that a young woman lost her life and Defendant is exposed to a maximum statutory term of imprisonment of 8 years (96 months). *See* Doc. 19, ¶ 60. Following any term of imprisonment deemed appropriate by this Court, the United States respectfully requests the maximum term of supervised release of 3 years. *Id.*, ¶¶ 63 – 64.

On September 6, 2017, Defendant, an enrolled member of the Navajo Nation, made the selfish and irresponsible decision to operate a vehicle while under the influence of alcohol within the exterior boundaries of the Navajo Nation. That decision, along with the reckless manner in which he drove, cost his sister her life when the vehicle crashed and she died on scene. *See* Doc. 18, United States' Proffer of Evidence at Trial, and Doc. 19, ¶¶ 6 – 14. Fortunately, Defendant and his brother, the vehicle's other passenger, were not hurt. Defendant and his brother fled the scene of the crash and did not call 911. The victim was left dead on the side of the road. Outside of that unexplainable behavior, however, Defendant was ultimately forthcoming with law enforcement during the investigation and timely acceptance responsibility before this Court.

Based on the facts and circumstances in this case, the PSR, in consideration of 18 U.S.C. § 3553(a)(1)-(7), a sentence within the advisory guideline range is warranted in this case.

III. CONCLUSION

WHEREFORE, the United States respectfully requests that this Court impose a low-end sentence of 37 months followed by 3 years of supervised release.

Respectfully submitted,

JOHN C. ANDERSON
United States Attorney

Filed Electronically on June 18, 2019

DAVID P. COWEN
Assistant United States Attorney
P.O. Box 607
Albuquerque, NM 87103
(505) 346-7274

I hereby CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to opposing counsel of record and to U.S. Probation.

/s/
DAVID P. COWEN
Assistant United States Attorney